

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

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DIRECT FEDERAL EXPENDITURES

SEC. 6. (a) * * *

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(c)(1)(A) * * *

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(D) Among those commodities delivered under this section, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates (which may include domestic seafood commodities and their products), *and fruits and vegetables.*

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NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. 9. (a)(1) * * *

[(2) Lunches served by schools participating in the school lunch program under this Act—

[(A) shall offer students fluid milk; and

[(B) shall offer students a variety of fluid milk consistent with prior year preferences unless the prior year preference for any such variety of fluid milk is less than 1 percent of the total milk consumed at the school.]

(2) *FLUID MILK.*—

(A) *IN GENERAL.*—*Lunches served by schools participating in the school lunch program under this Act—*

(i) shall offer students fluid milk in a variety of fat contents;

(ii) may offer students flavored and unflavored fluid milk and lactose-free fluid milk; and

(iii) shall provide a substitute for fluid milk for students whose disability restricts their diet, upon receipt of a written statement from a licensed physician that identifies the disability that restricts the student's diet and that specifies the substitute for fluid milk.

(B) *SUBSTITUTES.*—

(i) STANDARDS FOR SUBSTITUTION.—*Schools may substitute for the fluid milk provided under subparagraph (A), a non-dairy beverage that is nutritionally equivalent to fluid milk and meets nutritional standards as established by the Secretary (which shall,*

among other requirements to be determined by the Secretary, include fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow's milk) for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability described in subparagraph (A)(iii).

(ii) NOTICE.—Such substitutions may be made if the school notifies the State agency that it is implementing a variation allowed under this subparagraph, and if such substitution is requested by written statement of a medical authority or by a student's parent or legal guardian that identifies the medical or other special dietary need that restricts the student's diet, provided that the school shall not be required to provide beverages other than those it has identified as acceptable substitutes.

(iii) EXCESS EXPENSES BORNE BY THE SCHOOL DISTRICT.—Expenses incurred in providing substitutions pursuant to this subparagraph that are in excess of those covered by reimbursements under this Act shall be paid by the school district.

(C) RESTRICTIONS ON SALE OF MILK PROHIBITED.—A school or institution that participates in the school lunch program under this Act shall not directly or indirectly restrict the sale or marketing of fluid milk products by the school (or by a person approved by the school) at any time or any place—

(i) on the school premises; or

(ii) at any school-sponsored event.

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[(b)(1)(A) Not later than June 1 of each fiscal year, the Secretary shall prescribe income guidelines for determining eligibility for free and reduced price lunches during the 12-month period beginning July 1 of such fiscal year and ending June 30 of the following fiscal year. The income guidelines for determining eligibility for free lunches shall be 130 percent of the applicable family size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with subparagraph (B). The income guidelines for determining eligibility for reduced price lunches for any school year shall be 185 percent of the applicable family size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with subparagraph (B). The Office of Management and Budget guidelines shall be revised at annual intervals, or at any shorter interval deemed feasible and desirable.

[(B) The revision required by subparagraph (A) of this paragraph shall be made by multiplying—

[(i) the official poverty line (as defined by the Office of Management and Budget); by

[(ii) the percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the adjustment is made.

Revisions under this subparagraph shall be made not more than 30 days after the date on which the consumer price index data required to compute the adjustment becomes available.

[(2)(A) Following the determination by the Secretary under paragraph (1) of this subsection of the income eligibility guidelines for each school year, each State educational agency shall announce the income eligibility guidelines, by family size, to be used by schools in the State in making determinations of eligibility for free and reduced price lunches. Local school authorities shall, each year, publicly announce the income eligibility guidelines for free and reduced price lunches on or before the opening of school.

[(B) Applications for free and reduced price lunches, in such form as the Secretary may prescribe or approve, and any descriptive material, shall be distributed to the parents or guardians of children in attendance at the school, and shall contain only the family size income levels for reduced price meal eligibility with the explanation that households with incomes less than or equal to these values would be eligible for free or reduced price lunches. Such forms and descriptive material may not contain the income eligibility guidelines for free lunches.

[(C)(i) Except as provided in clause (ii), each eligibility determination shall be made on the basis of a complete application executed by an adult member of the household. The Secretary, State, or local food authority may verify any data contained in such application. A local school food authority shall undertake such verification of information contained in any such application as the Secretary may by regulation prescribe and, in accordance with such regulations, shall make appropriate changes in the eligibility determination with respect to such application on the basis of such verification.

[(ii) Subject to clause (iii), any school food authority may certify any child as eligible for free or reduced price lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of such child's status as a member of—

[(I) a household that is receiving food stamps under the Food Stamp Act of 1977; or

[(II) a family that is receiving assistance under the State program funded under part A of title IV of the Social Security Act that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995.

[(iii) The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in clause (ii), shall be limited to—

[(I) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or a regulation issued pursuant to either Act;

[(II) a person directly connected with the administration or enforcement of—

[(aa) a Federal education program;

[(bb) a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)); or

[(cc) a Federal, State, or local means-tested nutrition program with eligibility standards comparable to the program under this section; and

[(III)(aa) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and

[(bb) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by paragraph (1) or this paragraph; and

[(IV) a person directly connected with the administration of the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.) solely for the purpose of identifying children eligible for benefits under, and enrolling children in, such programs, except that this subclause shall apply only to the extent that the State and the school food authority so elect.

[(iv) Information provided under clause (iii)(II) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits was made or for whom eligibility information was provided under clause (ii), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.

[(v) A person described in clause (iii) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

[(vi) REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.—A State that elects to exercise the option described in clause (iii)(IV) shall ensure that any school food authority acting in accordance with that option—

[(I) has a written agreement with the State or local agency or agencies administering health insurance programs for children under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.) that requires the health agencies to use the information obtained under clause (iii) to seek to enroll children in those health insurance programs; and

[(II)(aa) notifies each household, the information of which shall be disclosed under clause (iii), that the information disclosed will be used only to enroll children in health programs referred to in clause (iii)(IV); and

[(bb) provides each parent or guardian of a child in the household with an opportunity to elect not to have the information disclosed.]

[(vii) USE OF DISCLOSED INFORMATION.—A person to which information is disclosed under clause (iii)(IV) shall use or disclose the information only as necessary for the purpose of enrolling children in health programs referred to in clause (iii)(IV).]

[(D) FREE AND REDUCED PRICE POLICY STATEMENT.—After the initial submission, a school food authority shall not be required to submit a free and reduced price policy statement to a State educational agency under this Act unless there is a substantive change in the free and reduced price policy of the school food authority. A routine change in the policy of a school food authority, such as an annual adjustment of the income eligibility guidelines for free and reduced price meals, shall not be sufficient cause for requiring the school food authority to submit a policy statement.]

[(3) Any child who is a member of a household whose income, at the time the application is submitted, is at an annual rate which does not exceed the applicable family size income level of the income eligibility guidelines for free lunches, as determined under paragraph (1), shall be served a free lunch. Any child who is a member of a household whose income, at the time the application is submitted, is at an annual rate greater than the applicable family size income level of the income eligibility guidelines for free lunches, as determined under paragraph (1), but less than or equal to the applicable family size income level of the income eligibility guidelines for reduced price lunches, as determined under paragraph (1), shall be served a reduced price lunch. The price charged for a reduced price lunch shall not exceed 40 cents.]

(b) ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES.—

(1) INCOME GUIDELINES.—

(A) IN GENERAL.—*Not later than June 1 of each fiscal year, the Secretary shall prescribe income guidelines for determining eligibility for free and reduced price lunches during the 12-month period beginning July 1 of such fiscal year and ending June 30 of the following fiscal year. The income guidelines for determining eligibility for free lunches shall be 130 percent of the applicable family size income levels contained in the nonfarm income poverty guidelines issued by the Secretary of Health and Human Services, as adjusted annually in accordance with subparagraph (B). The income guidelines for determining eligibility for reduced price lunches for any school year shall be 185 percent of the applicable family size income levels contained in the nonfarm income poverty guidelines issued by the Secretary of Health and Human Services, as adjusted annually in accordance with subparagraph (B). Such guidelines shall be revised at annual intervals, or at any shorter interval deemed feasible and desirable.*

(B) *FORMULA FOR REVISION.*—The revision required by subparagraph (A) of this paragraph shall be made by multiplying—

(i) the official poverty line (as defined by the Secretary of Health and Human Services); by

(ii) the percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the adjustment is made.

Revisions under this subparagraph shall be made not more than 30 days after the date on which the Consumer Price Index data required to compute the adjustment becomes available.

(2) *CERTIFICATION OF ELIGIBILITY.*—

(A) *ANNOUNCEMENT BY STATE EDUCATIONAL AGENCY.*—Following the determination by the Secretary under paragraph (1) of this subsection of the income eligibility guidelines for each school year, each State educational agency shall announce the income eligibility guidelines, by family size, to be used by schools in the State in making determinations of eligibility for free and reduced price lunches. Local educational agencies shall, each year, publicly announce the income eligibility guidelines for free and reduced price lunches on or before the opening of school.

(B) *APPLICATIONS.*—

(i) *IN GENERAL.*—Applications for free and reduced price lunches, in such form as the Secretary may prescribe or approve, and any descriptive material, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand, shall be distributed at least annually to the parents or guardians of children in attendance at the school.

(ii) *INCOME LEVELS.*—Applications and descriptive material shall contain only the family size income eligibility guidelines for reduced price meal eligibility, with the explanation that households with incomes less than or equal to these values would be eligible for free or reduced price lunches. Such applications and descriptive material may not contain the income eligibility guidelines for free lunches.

(iii) *NOTIFICATION.*—Descriptive materials shall contain a notification that participants in the Special Supplemental Nutrition Program for Women, Infants, and Children authorized under Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Food Distribution Program on Indian Reservations (FDPIR) authorized under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), or a State program funded under part A of title IV of the Social Security Act (if the Secretary determines the State program complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or

more restrictive than those in effect on June 1, 1995) are eligible for free or reduced price lunches. Such descriptive materials shall also contain a notice to parents that documentation may be requested for verification.

(iv) *ELECTRONIC AVAILABILITY.*—In addition to the distribution of such applications and descriptive material in paper form as provided for in this paragraph, such applications and material may be made available electronically via the Internet.

(C) *ELIGIBILITY.*—

(i) *HOUSEHOLD APPLICATIONS.*—

(I) *IN GENERAL.*—If an eligibility determination for a child is not made under clause (ii) or (iii), an eligibility determination shall be made on the basis of a complete household application executed by an adult member of the household, or in accordance with other guidance issued by the Secretary.

(II) *ADDITIONAL BASES.*—Eligibility may be determined by the local educational agency on the basis of a complete application executed by an adult member of the household, or in accordance with other guidance issued by the Secretary, including an electronic signature when the application is submitted electronically, and if the application filing system meets confidentiality standards established by the Secretary.

(III) *CHILDREN IN HOUSEHOLD.*—

(aa) *IN GENERAL.*—The application shall identify the names of each child in the household for whom meal benefits are requested.

(bb) *SEPARATE APPLICATIONS.*—A State educational agency or local educational agency may not request a separate application for each child in the household.

(IV) *VERIFICATION.*—The Secretary, State, or local educational agency may verify any data contained in such application. In accordance with guidance issued by the Secretary, each local educational agency shall verify a sample of approved free and reduced price applications and shall make appropriate changes in the eligibility determination with respect to such applications on the basis of such verification. The sample selected for verification shall be as follows:

(aa) For local educational agencies able to obtain verification information for at least 75 percent of all applications selected for verification in the prior year, or local educational agencies receiving more than 20,000 applications and that in the prior year had a verification non-response rate that was 10 percent below the verification non-response rate of the

second prior year, the sample selected shall be either—

(AA) the lesser of 3,000 or 3 percent of approved applications selected at random by the local educational agencies from all approved applications; or

(BB) the lesser of 1,000 or 1 percent of all approved applications selected from applications that indicate monthly income that is within \$100, or annual income that is within \$1,200, of the income eligibility limits for free or reduced price meals, plus the lesser of 500 or $\frac{1}{2}$ of 1 percent of approved applications that provided a case number in lieu of income information showing participation in the food stamp program or Temporary Assistance for Needy Families program selected from those approved applications that provided a case number in lieu of income information verifying such participation.

(bb) For all other local educational agencies, the sample selected shall be the lesser of 3,000 or 3 percent of all approved applications selected from applications that indicate monthly income that is within \$100, or annual income that is within \$1,200, of the income eligibility limits for free or reduced price meals. If, for any local educational agency, the total number of such applications is less than 3,000 or 3 percent of all approved applications, the local educational agency shall select additional applications at random from all approved applications in order to obtain a total sample for verification of 3,000 or 3 percent of all approved applications.

(V) SUBSTITUTIONS.—

(aa) IN GENERAL.—In accordance with the regulations prescribed by the Secretary, the local educational agency may, upon individual review, decline to verify any application selected under subclause (IV) and replace it with another application to be verified. Such agency may decline to verify no more than 2 percent of the applications selected for verification under this subclause.

(bb) SUBSTITUTE CRITERIA IN CASES OF EMERGENCIES.—The Secretary may substitute alternative criteria for the sample size and sample selection criteria in subclause (IV) to address a natural disaster, civil disorder, strike, or other local condition.

(VI) DIRECT VERIFICATION.—

(aa) *IN GENERAL.*—In accordance with regulations promulgated by the Secretary, in verifying the sample selected in accordance with subclause (IV), the local educational agency may first obtain from certain public agencies administering the programs identified in item (bb) of this subclause, and similar income-tested programs, information to verify eligibility for free or reduced price meals.

(bb) *PUBLIC AGENCY RECORDS.*—Public agency records that may be used to verify eligibility for free meals shall include income information relied upon within 12 months prior to verification under subclause (IV) in the administration of the following programs: the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); the State program funded under part A of title IV of the Social Security Act; the Food Distribution Program on Indian Reservations (FDPIR) authorized under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in a State in which the income eligibility limit described in section 1902(l)(2)(C) of the Social Security Act is no higher than 133 percent of the income official poverty line as specified in section 1902(l)(2)(A) of such Act, in the case of eligibility for free meals, and 185 percent of the income official poverty line as specified in such section in the case of reduced price meals.

(VII) *PLAIN, UNDERSTANDABLE LANGUAGE.*—Any and all communications to parents regarding verification under subclause (IV) shall be in an understandable and uniform format, and, to the extent practicable, in a language that parents can understand.

(ii) *DIRECT CERTIFICATION FOR CHILDREN IN FOOD STAMP HOUSEHOLDS.*—

(I) *IN GENERAL.*—Each State agency shall, to the extent practicable, enter into an agreement with the State agency conducting eligibility determinations for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(II) *PROCEDURES.*—Subject to clause (iv), the agreement shall establish procedures under which a child who is a member of a household receiving assistance under the program referred to in subclause (I) shall be certified as eligible for free meals under this Act, without further application.

(III) *DIRECT CERTIFICATION.*—Subject to clause (iv), under the agreement, the local educational agency conducting eligibility determinations for a school meal program conducted under this Act shall certify a child who is a member of a household receiving assistance under the program referred to in subclause (I) as eligible for free meals under this Act without further application.

(IV) *NOTICE.*—The appropriate local educational agency shall provide annually to the parents or guardians of all students who are members of a household receiving assistance under the program referred to in subclause (I), notification, in an understandable and uniform format, and, to the extent practicable, in a language that parents can understand, that any school-aged child in that household is eligible for free lunches or breakfasts.

(iii) *DIRECT CERTIFICATION OF CHILDREN IN OTHER HOUSEHOLDS.*—Subject to clause (iv), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of such child's status as a migratory child, as such term is defined in section 1309(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399(2)), or a member of a family that is receiving assistance under a State program funded under part A of title IV of the Social Security Act if the Secretary determines the State program complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995.

(iv) *DISCLOSURE OF INFORMATION.*—The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in clauses (ii) and (iii), shall be limited to—

(I) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or a regulation issued pursuant to either Act;

(II) a person directly connected with the administration or enforcement of—

(aa) a Federal education program;

(bb) a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)); or

(cc) a Federal, State, or local means-tested nutrition program with eligibility standards comparable to the program under this section;

(III)(aa) *the Comptroller General of the United States for audit and examination authorized by any other provision of law; and*

(bb) *notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program requirements under paragraph (1) or this paragraph; and*

(IV) *a person directly connected with the administration of the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.) solely for the purpose of identifying children eligible for benefits under, and enrolling children in, such programs, except that this subclause shall apply only to the extent that the State and the local educational agency so elect.*

(v) *LIMITATION.—Information provided under clause (iv)(II) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits was made or for whom eligibility information was provided under clause (ii) or (iii), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.*

(vi) *PENALTY FOR UNAUTHORIZED DISCLOSURE.—A person described in clause (iv) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.*

(vii) *REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.—A State that elects to exercise the option described in clause (iv)(IV) shall ensure that any local educational agency acting in accordance with that option—*

(I) has a written agreement with the State or local agency or agencies administering health insurance programs for children under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.) that requires the health agencies to use the information obtained under clause (iv) to seek to enroll children in those health insurance programs; and

(II)(aa) notifies each household, the information of which shall be disclosed under clause (iv), that the information disclosed will be used only to enroll children in health programs referred to in clause (iv)(IV); and

(bb) provides each parent or guardian of a child in the household with an opportunity to elect not to have the information disclosed.

(viii) *USE OF DISCLOSED INFORMATION.*—A person to which information is disclosed under clause (iv)(IV) shall use or disclose the information only as necessary for the purpose of enrolling children in health programs referred to in clause (iv)(IV).

(D) *FREE AND REDUCED PRICE POLICY STATEMENT.*—After the initial submission, a local educational agency shall not be required to submit a free and reduced price policy statement to a State educational agency under this Act unless there is a substantive change in the free and reduced price policy of the local educational agency. A routine change in the policy of a local educational agency, such as an annual adjustment of the income eligibility guidelines for free and reduced price meals, shall not be sufficient cause for requiring the local educational agency to submit a policy statement.

(3) *ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES.*—

(A) *FREE LUNCHES.*—Any child who is a member of a household whose income, at the time the application is submitted, is at an annual rate which does not exceed the applicable family size income level of the income eligibility guidelines for free lunches, as determined under paragraph (1), shall be served a free lunch.

(B) *REDUCED PRICE LUNCHES.*—

(i) *IN GENERAL.*—Any child who is a member of a household whose income, at the time the application is submitted, is at an annual rate greater than the applicable family size income level of the income eligibility guidelines for free lunches, as determined under paragraph (1), but less than or equal to the applicable family size income level of the income eligibility guidelines for reduced price lunches, as determined under paragraph (1), shall be served a reduced price lunch.

(ii) *MAXIMUM PRICE.*—The price charged for a reduced price lunch shall not exceed 40 cents.

(C) *DURATION.*—Except as otherwise specified in section 11(a) or section 9(b)(2)(C)(i)(IV), eligibility for free or reduced price meals for any school year shall remain in effect—

(i) beginning on the date of eligibility approval for the current school year; and

(ii) ending on the date of the beginning of school in the subsequent school year or as otherwise specified by the Secretary.

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(5) Any child who has a parent or guardian who (A) is responsible for the principal support of such child and (B) is unemployed shall be served a free or reduced price lunch, respectively, during any period (i) in which such child's parent or guardian continues to be unemployed and (ii) the income of the child's parents or guardians during such period of unemployment falls within the income eligibility criteria for free lunches or reduced price lunches, respectively, based on the current rate of income of such parents or guardians. **[Local school authorities]** *Local educational agencies*

shall publicly announce that such children are eligible for free or reduced price lunch, and shall make determinations with respect to the status of any parent or guardian of any child under clauses (A) and (B) of the preceding sentence on the basis of a statement executed in such form as the Secretary may prescribe by such parent or guardian. No physical segregation of, or other discrimination against, any child eligible for a free or reduced price lunch under this paragraph shall be made by the school nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or by any other means.

(6)(A) A child shall be considered automatically eligible for a free lunch and breakfast under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), respectively, without further application or eligibility determination, if the child is—

(i) * * *

(ii) a member of a family (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995; **[or]**

(iii) enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)) **[.];**

(iv) *a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a));*

(v) *a youth served by programs under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or*

(vi) *a migratory child, as such term is defined in section 1309(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399(2)).*

(B) Proof of receipt of food stamps or assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995, or of enrollment or participation in a Head Start program on the basis described in subparagraph (A)(iii), *or documentation showing the child's status as a migratory child, as such term is defined in section 1309(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399(2))*, shall be sufficient to satisfy any verification requirement imposed under paragraph (2)(C).

(7) EXCLUSION OF CERTAIN MILITARY HOUSING ALLOWANCES.—**[For each of fiscal years 2002 and 2003 and through March 31, 2004, the amount]** *The amount* of a basic allowance provided under section 403 of title 37, United States Code, on behalf of a member of a uniformed service for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10, United States Code, or any related provision of law,

shall not be considered to be income for the purpose of determining the eligibility of a child who is a member of the household of the member of a uniformed service for free or reduced price lunches under this Act.

* * * * *

(d)(1) * * *

(2) No member of a household may be provided a free or reduced price lunch under this Act unless—

(A) appropriate documentation relating to the income of such household (as prescribed by the Secretary) has been provided to the appropriate [local school food authority] *local educational agency* so that [such authority] *the local educational agency* may calculate the total income of such household;

(B) documentation showing that the household is participating in the food stamp program under the Food Stamp Act of 1977 has been provided to the appropriate [local school food authority; or] *local educational agency*;

(C) documentation has been provided to the appropriate [local school food authority] *local educational agency* showing that the family is receiving assistance under the State program funded under part A of title IV of the Social Security Act that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995[.];

(D) *documentation has been provided to the appropriate local educational agency showing that the child meets the criteria specified in clauses (iv) or (v) of subsection (b)(6); or*

(E) *documentation has been provided to the appropriate local educational agency showing the child's status as a migratory child, as such term is defined in section 1309(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399(2)).*

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(f)

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[(5) WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.—During the period ending on September 30, 2003, the Secretary shall not require the use of weighted averages for nutrient analysis of menu items and foods offered or served as part of a meal offered or served under the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).]

(5) WAIVER OF REQUIREMENTS FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.—*State educational agencies may grant waivers to school food authorities to the requirement for weighted averages for nutrient analysis of menu items and foods offered or served as part of a meal offered or served under the school lunch program under this Act or the school breakfast*

program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) if—

(A) the school food authority has an equivalent system for conducting a nutrient analysis, subject to State agency approval; and

(B) the equivalent system adequately documents the extent to which the school food authority is meeting the Dietary Guidelines for Americans and other nutrition standards.

In addition, the Secretary may waive, on a case by case basis, the requirement for a State agency to use weighted averages when conducting a nutrient analysis as part of a review (of compliance with the Dietary Guidelines and other nutrition standards) of a school food authority not using nutrient standard menu planning, when, in the Secretary's determination, an alternative analysis would yield results that would adequately measure a school food authority's compliance with current nutrition standards for school meals.

* * * * *

(j) PURCHASES OF LOCALLY PRODUCED FOODS.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection \$400,000 for each of fiscal years 2003 through ~~2007~~ 2008, to remain available until expended.

* * * * *

SPECIAL ASSISTANCE

SEC. 11. (a)(1)(A) * * *

* * * * *

(C)(i) Except as provided in subparagraph (D), in the case of any school or school district that—

(I) elects to serve all children in the school or school district free lunches under the school lunch program during any period of 4 successive school years, or in the case of a school or school district that serves both lunches and breakfasts, elects to serve all children in the school or school district free lunches and free breakfasts under the school lunch program and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) during any period of 4 successive school years; and

(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period; special assistance payments shall be paid to the State educational agency with respect to the school or school district during the period on the basis of the number of lunches or breakfasts determined under clause (ii) or (iii).

(ii) For purposes of making special assistance payments under clause (i), except as provided in clause (iii), the number of lunches or breakfasts served by a school *or school district* to children who are eligible for free lunches or breakfasts or reduced price lunches or breakfasts during each school year of the 4-school-year period shall be considered to be equal to the number of lunches or breakfasts served by the school *or school district* to children eligible for free lunches or breakfasts or reduced price lunches or breakfasts during the first school year of the period.

(iii) For purposes of computing the amount of the payments, a school *or school district* may elect to determine on a more frequent basis the number of children who are eligible for free or reduced price lunches or breakfasts who are served lunches or breakfasts during the 4-school-year period.

(D)(i) In the case of any school *or school district* that is receiving special assistance payments under this paragraph for a 4-school-year period described in subparagraph (C), the State may grant, at the end of the 4-school-year period, an extension of the period for an additional 4 school years, if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school *or school district* has remained stable.

(ii) A school *or school district* described in clause (i) may re-apply to the State at the end of the 4-school-year period, and at the end of each 4-school-year period thereafter for which the school *or school district* receives special assistance payments under this paragraph, for the purpose of continuing to receive the payments for a subsequent 4-school-year period.

(iii) If the Secretary determines after considering the best available socioeconomic data that the income level of families of children enrolled in a school *or school district* has not remained stable, the Secretary may require the submission of applications for free and reduced price lunches, or for free and reduced price lunches and breakfasts, in the first school year of any 4-school-year period for which the school *or school district* receives special assistance payments under this paragraph, for the purpose of calculating the special assistance payments.

(iv) For the purpose of updating information and reimbursement levels, a school *or school district* described in clause (i) that carries out a school lunch or school breakfast program may at any time require submission of applications for free and reduced price lunches or for free and reduced price lunches and breakfasts.

(E)(i) In the case of any school *or school district* that—

(I) elects to serve all children in the school *or school district* free lunches under the school lunch program during any period of 4 successive school years, or in the case of a school *or school district* that serves both lunches and breakfasts, elects to serve all children in the school *or school district* free lunches and free breakfasts under the school lunch program and the school breakfast program during any period of 4 successive school years; and

(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child

Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period; total Federal cash reimbursements and total commodity assistance shall be provided to the State educational agency with respect to the school *or school district* at a level that is equal to the total Federal cash reimbursements and total commodity assistance received by the school *or school district* in the last school year for which the school *or school district* accepted applications under the school lunch or school breakfast program, adjusted annually for inflation in accordance with paragraph (3)(B) and for changes in enrollment, to carry out the school lunch or school breakfast program.

(ii) A school *or school district* described in clause (i) may reapply to the State at the end of the 4-school-year period described in clause (i), and at the end of each 4-school-year period thereafter for which the school *or school district* receives reimbursements and assistance under this subparagraph, for the purpose of continuing to receive the reimbursements and assistance for a subsequent 4-school-year period. The State may approve an application under this clause if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained consistent with the income level of the population of the school in the last school year for which the school *or school district* accepted the applications described in clause (i).

* * * * *

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 12. (a) * * *

* * * * *

(d) For the purposes of this Act—

(1) * * *

* * * * *

(3) *LOCAL EDUCATIONAL AGENCY.*—

(A) *IN GENERAL.*—The term “local educational agency” has the meaning given the term in section 9101 of the *Elementary and Secondary Education Act of 1965* (20 U.S.C. 7801).

(B) *INCLUSION.*—The term “local educational agency” includes, in the case of a private nonprofit school food authority, an appropriate entity determined by the Secretary.

[(3)] (4) “School” means (A) any public or nonprofit private school of high school grade or under, and (B) any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded, but excluding Job Corps Centers funded by the Department of Labor). For purposes of this paragraph, the term “nonprofit”, when applied to any such private school or institution, means any such school or institution which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986.

[(4)] (5) “School year” means the annual period from July 1 through June 30.

[(5)] (6) “Secretary” means the Secretary of Agriculture.

[(6)] (7) “State” means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

[(7)] (8) “State educational agency” means, as the State legislature may determine, (A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (B) a board of education controlling the State department of education.

[(8)] (9) DISABILITY.—The term “disability” has the meaning given the term in the Rehabilitation Act of 1973 for purposes of title II of that Act (29 U.S.C 760 et seq.).

* * * * *

[(p)] GRANT FOR DEMONSTRATION PROJECT.—

[(1)] USE OF FUNDS FOR WIC DEMONSTRATION PROJECT.—

[(A)] IN GENERAL.—The Secretary shall make grants of funds under this subsection to a State—

[(i)] for purposes that include carrying out the demonstration project under section 17(r) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)); and

[(ii)] for the purpose described in clause (i), in amounts not to exceed \$10,000 for each fiscal year for each site in the State.

[(B)] APPORTIONMENT.—A State that receives a grant under subparagraph (A) shall apportion the funds received to ensure that each site in the State receives not more than \$10,000 for any fiscal year.

[(2)] EVALUATIONS OF DEMONSTRATION PROJECT.—The Secretary shall conduct an evaluation of the demonstration project and grant program for identification and enrollment efforts funded under this subsection that include a determination of—

[(A)] the number of children enrolled as a result of the enactment of this subsection;

[(B)] the income levels of the families of enrolled children;

[(C)] the cost of identification and enrollment assistance services provided under the project or grant program;

[(D)] the effect on the caseloads of local agencies that carry out the special supplemental nutrition program for woman, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

[(E)] such other factors as the Secretary determines to be appropriate.

[(3)] FUNDING.—

[(A)] IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection \$1,000,000 for the period of fiscal years 2001 through 2004, to remain available until expended but not later than September 30, 2004.

[(B)] RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive the funds and shall accept the funds

provided under subparagraph (A), without further appropriation.】

(p) *SENSE OF CONGRESS.—It is the sense of Congress that Federal resources provided under this Act and the Child Nutrition Act of 1966 dedicated to child nutrition should support the most effective programs within the Federal agency that is most capable of assisting children in nutritional need. Congress encourages the elimination of initiatives that are duplicative of other Federal efforts, particularly those that are duplicative of programs conducted under this Act and the Child Nutrition Act of 1966.*

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 13. (a)(1) * * *

* * * * *

(8) *Service institutions that are public or private nonprofit school food authorities may administer summer or school vacation food service under the provisions of the school lunch program established under this Act and the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except as determined by the Secretary.*

(9) YEAR ROUND COMMUNITY CHILD NUTRITION PROGRAM PILOT.—

(A) *IN GENERAL.—A service institution as defined in paragraph (7) may be reimbursed for up to 3 meals and 2 supplements for any day for which services are being offered at such institution. Such service institution shall be reimbursed for costs consistent with section 13(b).*

(B) *MAXIMUM REIMBURSEMENT.—No reimbursement may be made to any institution under this paragraph for more than 3 meals and 2 supplements per child per day.*

(C) *LIMITATION.—The Secretary shall limit reimbursement under this paragraph for meals and supplements served under a program to service institutions defined paragraph (7) located in California.*

(b) SERVICE INSTITUTIONS.—

(1) PAYMENTS.—

(A) * * *

* * * * *

(D) *Service institutions described in paragraph (a)(8) of this section shall be reimbursed for meals and meal supplements in accordance with the applicable provisions under this Act (other than subparagraphs (A), (B), and (C) of this paragraph) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), as determined by the Secretary.*

* * * * *

(q) For the period beginning October 1, 1977, and ending [March 31, 2004] September 30, 2008, there are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(r) *DEMONSTRATION PROGRAM.—The Secretary shall support a demonstration program in rural areas of the State of Pennsylvania under the same terms and conditions as contained in this section,*

except that the threshold for determining “areas in which poor economic conditions exist” under subsection (a)(1)(C) for such program shall be 40 percent of children enrolled are eligible for free or reduced price school meals and the State agency shall report to the Secretary on the effect of the demonstration on program participation in rural areas.

COMMODITY DISTRIBUTION PROGRAM

SEC. 14. (a) Notwithstanding any other provision of law, the Secretary, during the period beginning July 1, 1974, and ending [March 31, 2004] September 30, 2008, shall—

(1) * * *

* * * * *

(h) NOTICE OF IRRADIATED FOOD.—The Secretary shall develop policy and establish procedures for the purchase and distribution of irradiated food products in Federal school meals programs. The policies and procedures shall ensure at a minimum that—

(1) irradiated food products are made available only at the request of States and school food authorities;

(2) reimbursements to schools for irradiated food products are equal to reimbursements to schools for non-irradiated products;

(3) States and school food service authorities are provided factual information on the science and evidence regarding irradiation technology, including notice that irradiation is not a substitute for safe food handling techniques and any such other information necessary to promote food safety in school meal programs;

(4) States and school food service authorities are provided model procedures for providing factual information on the science and evidence regarding irradiation technology and any such other information necessary to promote food safety in school meals to school food service authorities, parents, and students regarding irradiation technology;

(5) irradiated food products distributed to the Federal school meals program are labeled with a symbol or other printed notice indicating that the product was treated with irradiation and is prominently displayed in a clear and understandable format on the container;

(6) irradiated products are not commingled with non-irradiated products in containers; and

(7) encourages schools that offer irradiated foods to offer alternatives to irradiated food products as part of the meal plan used by schools.

* * * * *

SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.

(a) GRANT AUTHORITY AND INSTITUTION ELIGIBILITY.—

(1) * * *

(2) DEFINITION OF INSTITUTION.—In this section, the term “institution” means—

(A) * * *

(B) any other private organization providing nonresidential child care or day care outside school hours for school children, if—

(i) [during the period beginning on the date of enactment of this clause and ending on March 31, 2004], at least 25 percent of the children served by the organization meet the income eligibility criteria established under section 9(b) for free or reduced price meals; or

* * * * *

(f) STATE DISBURSEMENTS TO INSTITUTIONS.—

(1) * * *

* * * * *

(3) REIMBURSEMENT OF FAMILY OR GROUP DAY CARE HOME SPONSORING ORGANIZATIONS.—

(A) * * *

* * * * *

(E) PROVISION OF DATA TO FAMILY OR GROUP DAY CARE HOME SPONSORING ORGANIZATIONS.—

(i) * * *

* * * * *

(iii) DURATION OF DETERMINATION.—For purposes of this section, a determination that a family or group day care home is located in an area that qualifies the home as a tier I family or group day care home (as the term is defined in subparagraph (A)(ii)(I)), shall be in effect for [3] 5 years (unless the determination is made on the basis of census data, in which case the determination shall remain in effect until more recent census data are available) unless the State agency determines that the area in which the home is located no longer qualifies the home as a tier I family or group day care home.

* * * * *

[(i) The Secretary shall make available for each fiscal year to States administering the child care food program, for the purpose of conducting audits of participating institutions, an amount up to 1.5 percent (except, in the case of each of fiscal years 2005 through 2007, 1 percent) of the funds used by each State in the program under this section, during the second preceding fiscal year.

[(j) The Secretary may issue regulations directing States to develop and provide for the use of a standard form of agreement between each family or group day care sponsoring organization and the family or group day care homes participating in the program under such organization, for the purpose of specifying the rights and responsibilities of each party.]

(i) AUDITS.—

(1) FUNDS FOR AUDITS.—*The Secretary shall make available for each fiscal year to a State administering the child and adult care food program, for the purpose of conducting audits of participating institutions, an amount up to 1.5 percent (ex-*

cept in the case of fiscal years 2005 through 2007, 1 percent) of the funds used by the State in the program under this section during the second preceding fiscal year.

(2) AUDIT PROCEDURES.—

(A) IN GENERAL.—Subject to subparagraph (B), in conducting management evaluations, reviews, or audits of the program under this subsection, the Secretary or a State agency may disregard any overpayment to an institution if the total overpayment for any fiscal year does not exceed an amount, consistent with the disregards allowed in other programs under this Act, which recognizes the cost of collecting small claims.

(B) CRIMINAL OR FRAUD VIOLATIONS.—In carrying out this subsection, the Secretary and a State agency shall not disregard any overpayment for which there is evidence of a violation of a criminal law or civil fraud law.

(j) AGREEMENTS.—

(1) IN GENERAL.—The Secretary may issue regulations directing States to develop and provide for the use of a standard form of agreement between each family or group day care sponsoring organization and the family or group day care homes participating in the program under such organization, for the purpose of specifying the rights and responsibilities of each party.

(2) DURATION.—An agreement under paragraph (1) shall remain in effect until terminated by either party to the agreement.

* * * * *

[(p)(1) From amounts appropriated or otherwise made available for purposes of carrying out this section, the Secretary shall carry out State-wide demonstration projects in three States under which private for-profit organizations providing nonresidential day care services shall qualify as institutions for the purposes of this section. An organization may participate in a demonstration project described in the preceding sentence if—

[(A) at least 25 percent of the children enrolled in the organization or 25 percent of the licensed capacity of the organization for children, whichever is less, meet the income eligibility criteria established under section 9(b) for free or reduced price meals; and

[(B) as a result of the participation of the organization in the project—

[(i) the nutritional content or quality of meals and snacks served to children under the care of such organization will be improved; or

[(ii) fees charged by such organization for the care of the children described in subparagraph (A) will be lowered.

[(2) Under each such project, the Secretary shall examine—

[(A) the budgetary impact of the change in eligibility being tested;

[(B) the extent to which, as a result of such change, additional low-income children can be reached; and

[(C) which outreach methods are most effective.

[(3) The Secretary shall choose to conduct demonstration projects under this subsection in—

[(A) 1 State that—

[(i) has a history of participation of for-profit organizations in the child care food program;

[(ii) allocates a significant proportion of the amounts it receives for child care under title XX of the Social Security Act in a manner that allows low-income parents to choose the type of child care their children will receive;

[(iii) has other funding mechanisms that support parental choice for child care;

[(iv) has a large, State-regulated for-profit child care industry that serves low-income children; and

[(v) has large sponsors of family or group day care homes that have a history of recruiting and sponsoring for-profit child care centers in the child care food program;

[(B) 1 State in which—

[(i) the majority of children for whom child care arrangements are made are being cared for in center-based child care facilities;

[(ii) for-profit child care centers and preschools are located throughout the State and serve both rural and urban populations;

[(iii) at least $\frac{1}{3}$ of the licensed child care centers and preschools operate as for-profit facilities;

[(iv) all licensed facilities are subject to identical nutritional requirements for food service that are similar to those required under the child care food program; and

[(v) less than 1 percent of child care centers participating in the child care food program receive assistance under title XX of the Social Security Act; and

[(C) one other State—

[(i) with fewer than 60,000 children below 5 years of age;

[(ii) that serves more than the national average proportion of children potentially eligible for assistance provided under the Child Care and Development Fund (as indicated in data published by the Department of Health and Human Services in October 1999);

[(iii) that exempts all low-income families from cost sharing requirements under programs funded by the Child Care and Development Fund; and

[(iv) in which State spending represents more than 50 percent of total expenditures reported for fiscal year 1998 under the Child Care and Development Fund.]

(q) MANAGEMENT SUPPORT.—

(1) * * *

* * * * *

(3) FUNDING.—For each of fiscal years [1999 through 2003] 2005 and 2006, the Secretary shall reserve to carry out paragraph (1) \$1,000,000 of the amounts made available to carry out this section.

* * * * *

(t) PARTICIPATION BY EMERGENCY SHELTERS.—

(1) * * *

* * * * *

(5) MEAL OR SUPPLEMENT REIMBURSEMENT.—

(A) LIMITATIONS.—An emergency shelter may claim reimbursement under this subsection—

(i) only for a meal or supplement served to children residing at an emergency shelter, if the children are—

(I) not more than [12] 18 years of age; or

[(II) children of migrant workers, if the children are not more than 15 years of age; or]

[(III)] (II) children with disabilities; and

* * * * *

PILOT PROJECTS

SEC. 18. (a) * * *

* * * * *

(f) SUMMER FOOD PILOT PROJECTS.—

(1) * * *

(2) *ADDITIONAL STATES ELIGIBLE.*—*In addition to the States meeting the criteria set forth in paragraph (1), the 3 States with the highest percentage of households that are determined to be food insecure with hunger, as determined annually by the Secretary, shall be “eligible States” for purposes of this subsection.*[(2)] (3) PILOT PROJECTS.—During the period beginning October 1, 2000, and ending [March 31, 2004] *September 30, 2008*, the Secretary shall carry out a summer food pilot project in each eligible State to increase the number of children participating in the summer food service program in the State.

[(3)] (4) SUPPORT LEVELS FOR SERVICE INSTITUTIONS.—

(A) FOOD SERVICE.—Under the pilot project, a service institution [(other than a service institution described in section 13(a)(7))] in an eligible State shall receive the maximum amounts for food service under section 13(b)(1) without regard to the requirement under section 13(b)(1)(A) that payments shall equal the full cost of food service operations.

(B) ADMINISTRATIVE COSTS.—Under the pilot project, a service institution [(other than a service institution described in section 13(a)(7))] in an eligible State shall receive the maximum amounts for administrative costs determined by the Secretary under section 13(b)(4) without regard to the requirement under section 13(b)(3) that payments to service institutions shall equal the full amount of State-approved administrative costs incurred.

* * * * *

[(4)] (5) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for maintenance of a summer food service program shall not be diminished as a result of assistance from the Secretary received under this subsection.

[(5)] (6) EVALUATION OF PILOT PROJECTS.—

(A) * * *

* * * * *

[(6)] (7) REPORTS.—

(A) * * *

* * * * *

SEC. 21. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

(a) GENERAL AUTHORITY.—The Secretary—

[(1) subject to the availability of, and from, amounts appropriated pursuant to subsection (e)(1), shall conduct training activities and provide technical assistance to improve the skills of individuals employed in—

[(A) food service programs carried out with assistance under this Act;

[(B) school breakfast programs carried out with assistance under section 4 of the Child Nutrition Act of 1966; and

[(C) as appropriate, other federally assisted feeding programs; and]

(1) subject to the availability of and from amounts appropriated pursuant to subsection (e)(1), shall provide—

(A) training and technical assistance to improve the skills of individuals employed in food service programs carried out under this Act, section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), and, as appropriate, other federally assisted feeding programs;

(B) training and technical assistance to States, State agencies, schools, and school food authorities in the procurement of goods and services for programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including training and technical assistance to ensure compliance with section 12(n) of this Act (42 U.S.C. 1760(n));

(C) assistance, on a competitive basis, to State agencies for the purpose of aiding schools and school food authorities with at least 50 percent of enrolled children certified to receive free or reduced price meals, and, if there are any remaining funds, other schools and school food authorities in meeting the cost of acquiring or upgrading technology and information management systems for use in food service programs carried out under this Act and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) if the school or school food authority submits to the State agency an infrastructure development plan that addresses the cost savings and improvements in program integrity and operations that would result from the use of new or upgraded technology in—

(i) methods to ensure that there shall not be any overt identification of any such child by special tokens or tickets, announced or published list of names, or by any other means;

(ii) processing and verifying applications for free and reduced price school meals;

(iii) integrating menu planning, production, and serving data to monitor compliance with section 9(f)(1); and

(iv) establishing compatibility with statewide reporting systems;

(D) assistance, on a competitive basis, to State agencies with low proportions of schools or students that participate in the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and that demonstrate the greatest need, for the purpose of aiding schools in meeting costs associated with initiating or expanding a school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), including outreach and informational activities; and

* * * * *

(e) **ADMINISTRATIVE TRAINING AND TECHNICAL ASSISTANCE MATERIALS.**—In collaboration with State educational agencies, school food authorities, and local educational agencies of varying sizes, the Secretary shall develop and distribute training and technical assistance materials relating to the administration of school meal programs that are—

(1) prepared by the Secretary (based on research or other sources), a State educational agency, a school food authority, or a local educational agency; and

(2) representative of the best management and administrative practices of State agencies, school food authorities, and local educational agencies as determined by the Secretary.

(f) **FEDERAL ADMINISTRATIVE SUPPORT.**—

(1) **FUNDING.**—

(A) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection—

(i) on October 1, 2004 and October 1, 2005, \$3,000,000; and

(ii) on October 1, 2006, and October 1, 2007, \$2,000,000.

(B) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(C) **AVAILABILITY OF FUNDS.**—Funds transferred under subparagraph (A) shall remain available until expended.

(2) **USE OF FUNDS.**—The Secretary may use funds provided under this subsection—

(A) to provide training and technical assistance related to administrative practices designed to improve program integrity and administrative accuracy in school meals programs (including administrative requirements established by the Child Nutrition Improvement and Integrity Act and amendments made by that Act) to State educational agencies and, to the extent determined by the Secretary, to school food authorities and local educational agencies;

(B) to assist State educational agencies in reviewing the administrative practices of school food authorities, to the extent determined by the Secretary; and

(C) to carry out the activities described in subsection (e).

[(e)] (g) AUTHORIZATION OF APPROPRIATIONS.—

(1) TRAINING ACTIVITIES AND TECHNICAL ASSISTANCE.—

There are authorized to be appropriated to carry out subsection (a)(1) \$3,000,000 for fiscal year 1990, \$2,000,000 for fiscal year 1991, and \$1,000,000 [(for each of fiscal years 1992 through 2003)] for fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2008.

* * * * *

SEC. 22. COMPLIANCE AND ACCOUNTABILITY.

(a) UNIFIED ACCOUNTABILITY SYSTEM.—There shall be a unified system prescribed and administered by the Secretary for ensuring that local food service authorities *and local educational agencies* that participate in the school lunch program under this Act comply with the provisions of this Act. Such system shall be established through the publication of regulations and the provision of an opportunity for public comment, consistent with the provisions of section 553 of title 5, United States Code.

(b) FUNCTIONS OF SYSTEM.—

(1) IN GENERAL.—Under the system described in subsection (a), each State educational agency shall—

(A) require that local food service authorities *and local educational agencies* comply with the provisions of this Act; and

* * * * *

(2) MINIMIZATION OF ADDITIONAL DUTIES.—Each State educational agency shall coordinate the compliance and accountability activities described in paragraph (1) in a manner that minimizes the imposition of additional duties on local food service authorities *and local educational agencies*.

(3) ADDITIONAL REVIEW REQUIREMENT FOR SELECTED LOCAL EDUCATIONAL AGENCIES.—

(A) DEFINITION OF SELECTED LOCAL EDUCATIONAL AGENCY.—In this paragraph, the term “selected local educational agency” means a local educational agency that has a demonstrated a high level of, or a high risk for, administrative error, as determined by the Secretary.

(B) ADDITIONAL ADMINISTRATIVE REVIEW.—In addition to any review required by subsection (a) or paragraph (1), each State educational agency shall conduct an administrative review of each selected local educational agency during the review cycle established under subsection (a).

(C) SCOPE OF REVIEW.—In carrying out a review under subparagraph (B), a State educational agency shall only review the administrative processes of a selected local educational agency, including application, certification, verification, meal counting, and meal claiming procedures.

(D) RESULTS OF REVIEW.—If the State educational agency determines (on the basis of a review conducted

under subparagraph (B)) that a selected local educational agency fails to meet performance criteria established by the Secretary, the State educational agency shall—

(i) require the selected local educational agency to develop and carry out an approved plan of corrective action;

(ii) except to the extent technical assistance is provided directly by the Secretary, provide technical assistance to assist the selected local educational agency in carrying out the corrective action plan; and

(iii) conduct a follow-up review of the selected local educational agency under standards established by the Secretary.

(4) RECOVERING FUNDS AFTER ADMINISTRATIVE REVIEWS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), if the local educational agency fails to meet administrative performance criteria established by the Secretary in both an initial review and a follow-up review under paragraph (1) or (3) or subsection (a), the Secretary may require the State educational agency to recover funds from the local educational agency that would otherwise be paid to the school food authority or local educational agency for school meals programs under procedures prescribed by the Secretary.

(B) AMOUNT.—The amount of funds recovered under subparagraph (A) shall equal the value of any overpayments made to the school food authority or local educational agency as a result of an erroneous claim during the time period described in subparagraph (C).

(C) TIME PERIOD.—The period for determining the value of any such overpayments under subparagraph (B) shall be the period—

(i) beginning on the date the erroneous claim was made; and

(ii) ending on the earlier of the date the erroneous claim is corrected or—

(I) in the case of the first review conducted by the State educational agency of the local educational agency under this section after July 1, 2005, the date that is 60 days after the beginning of the period under clause (i); or

(II) in the case of any subsequent review conducted by the State educational agency of the local educational agency under this section, the date that is 90 days after the beginning of the period under clause (i).

(5) USE OF RECOVERED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), funds recovered under paragraph (4) shall—

(i) be returned to the Secretary under procedures established by the Secretary, and may be used—

(I) to provide training and technical assistance related to administrative practices designed to improve program integrity and administrative accu-

racy in school meals programs (including administrative requirements established by the Child Nutrition Improvement and Integrity Act and amendments made by that Act) to State educational agencies and, to the extent determined by the Secretary, to school food authorities and local educational agencies;

(II) to assist State educational agencies in reviewing the administrative practices of school food authorities, to the extent determined by the Secretary; and

(III) to carry out section 21(e); or

(ii) be credited to the child nutrition programs appropriation account.

(B) STATE SHARE.—Subject to subparagraph (C), a State educational agency may retain not more than 25 percent of an amount recovered under paragraph (4), to carry out school meals program integrity initiatives to assist school food authorities and local educational agencies that have repeatedly failed (as determined by the Secretary) to meet administrative performance criteria.

(C) REQUIREMENT.—To be eligible to retain funds under subparagraph (B), a State educational agency shall—

(i) submit to the Secretary a plan describing how the State educational agency will use the funds to improve school meals program integrity, including measures to give priority to school food authorities and local educational agencies from which funds were retained under paragraph (4); and

(ii) obtain the approval of the Secretary for the plan.

(c) ROLE OF SECRETARY.—In carrying out this section, the Secretary shall—

(1) assist the State educational agency in the monitoring of programs conducted by local food service authorities and local educational agencies; and

(2) through management evaluations, review the compliance of the State educational agency and the local school food service authorities and local educational agencies with regulations issued under this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out the compliance and accountability activities referred to in subsection (c) \$3,000,000 for each of the fiscal years 1994 through [2003] 2008.

* * * * *

CHILD NUTRITION ACT OF 1966

* * * * *

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

SEC. 4. (a)

(b)(1)(A) * * *

* * * * *

(E) FREE AND REDUCED PRICE POLICY STATEMENT.—

After the initial submission, a [school food authority] *local educational agency* shall not be required to submit a free and reduced price policy statement to a State educational agency under this Act unless there is a substantive change in the free and reduced price policy of the [school food authority] *local educational agency*. A routine change in the policy of a [school food authority] *local educational agency*, such as an annual adjustment of the income eligibility guidelines for free and reduced price meals, shall not be sufficient cause for requiring the [school food authority] *local educational agency* to submit a policy statement.

* * * * *

[(d)(1) Each State educational agency shall provide additional assistance to schools in severe need, which shall include only—

[(A) those schools in which the service of breakfasts is required pursuant to State law; and

[(B) those schools (having a breakfast program or desiring to initiate a breakfast program) in which, during the most recent second preceding school year for which lunches were served, 40 percent or more of the lunches served to students at the school were served free or at a reduced price, and in which the rate per meal established by the Secretary is insufficient to cover the costs of the breakfast program.

The provision of eligibility specified in clause (A) of this paragraph shall terminate effective July 1, 1983, for schools in States where the State legislatures meet annually and shall terminate effective July 1, 1984, for schools in States where the State legislatures meet biennially.]

(d) SEVERE NEED ASSISTANCE.—

(1) *IN GENERAL.*—Each State educational agency shall provide additional assistance to schools in severe need, which shall include only those schools (having a breakfast program or desiring to initiate a breakfast program) in which, during the most recent second preceding school year for which lunches were served, 40 percent or more of the lunches served to students at the school were served free or at a reduced price (or those new schools drawing their attendance from schools receiving severe need assistance).

(2) A school, upon the submission of appropriate documentation about the need circumstances in that school and the school's eligibility for additional assistance, shall be entitled to receive [100 percent of the operating costs of the breakfast program, including the costs of obtaining, preparing, and serving food, or] the meal reimbursement rate specified in paragraph (2) of section 4(b) of this Act[, whichever is less].

* * * * *

[STATE ADMINISTRATIVE EXPENSES]

【SEC. 7. (a)(1) Each fiscal year, the Secretary shall make available to the States for their administrative costs an amount equal to not less than 1½ percent of the Federal funds expended under sections 4, 11, and 17 of the Richard B. Russell National School Lunch Act and sections 3 and 4 of this Act during the second preceding fiscal year. The Secretary shall allocate the funds so provided in accordance with paragraphs (2), (3), and (4) of this subsection. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.】

SEC. 7. STATE ADMINISTRATIVE EXPENSES.*(a) AMOUNT AND ALLOCATION OF FUNDS.—**(1) AMOUNT AVAILABLE.—*

(A) IN GENERAL.—Except as provided in subparagraph (B), each fiscal year the Secretary shall make available to the States for their Administrative costs an amount equal to not less than 1½ percent of the Federal funds expended under sections 4, 11, 17, and 17A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753, 1759a, 1766, and 1766a)) and sections 3 and 4 of this Act during the second preceding fiscal year.

(B) MINIMUM AMOUNT.—In the case of each of fiscal years 2005 through 2007, the Secretary shall make available to each State for their administrative costs not less than the initial allocation made to the State under this subsection for fiscal year 2004.

(C) ALLOCATION.—The Secretary shall allocate the funds so provided in accordance with paragraphs (2), (3), and (4) of this subsection.

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) The Secretary shall allocate to each State for administrative costs incurred in any fiscal year in connection with the programs authorized under the Richard B. Russell National School Lunch Act or under this Act, except for the programs authorized under section 13 or 17 of the Richard B. Russell National School Lunch Act or under section 17 of this Act, an amount equal to not less than 1 percent and not more than 1½ percent of the funds expended by each State under sections 4 and 11 of the Richard B. Russell National School Lunch Act and sections 3 and 4 of this Act during the second preceding fiscal year. In no case shall the grant available to any State under this subsection be less than the amount such State was allocated in the fiscal year ending September 30, 1981, or 【\$100,000】 \$200,000, whichever is larger.

* * * * *

(5)(A) * * *

*(B) REALLOCATION OF FUNDS.—**(i) * * **

(ii) REALLOCATION BY SECRETARY.—The Secretary shall allocate, for purposes of administrative costs, any remaining amounts among States that demonstrate a

need for the amounts. *The Secretary shall give priority consideration to States that will use the funds for improvements in technology and information management systems described in subsection (e)(2).*

* * * * *

(b) Funds paid to a State under subsection (a) of this section may be used to pay salaries, including employee benefits and travel expenses, for administrative and supervisory personnel; for support services; for office equipment; **and for staff development** *for staff development; and technology and information management systems.*

* * * * *

[(e) Each] (e) PLANS FOR USE OF ADMINISTRATIVE EXPENSE FUNDS.—

(1) *IN GENERAL.—Each State shall submit to the Secretary for approval by October 1 of the initial fiscal year a plan for the use of State administrative expense funds, including a staff formula for State personnel, system level supervisory and operating personnel, and school level personnel. [After submitting the initial plan, a State shall be required to submit to the Secretary for approval only a substantive change in the plan.]*

(2) *UPDATES AND INFORMATION MANAGEMENT SYSTEMS.—After submitting the initial plan, a State shall be required to submit to the Secretary for approval only a substantive change in the plan. Each State plan shall at a minimum include a description of how technology and information management systems will be used to improve program integrity by—*

(A) *monitoring the nutrient content of meals served;*

(B) *training schools and school food authorities how to utilize technology and information management systems for activities such as menu planning, collecting point of sale data, processing applications for free and reduced price meals and verifying eligibility for free and reduced price meals using existing databases to access program participation or income data collected by State or local educational agencies; and*

(C) *using electronic data to establish benchmarks to compare and monitor program integrity, program participation, and financial data across schools and school food authorities.*

(3) *TRAINING AND TECHNICAL ASSISTANCE.—Each State shall submit to the Secretary for approval a plan describing the manner in which the State intends to implement subsection (g) and section 22(b)(3) of the Richard B. Russell National School Lunch Act (as added by section 208 of the Child Nutrition Improvement and Integrity Act).*

* * * * *

(g) STATE TRAINING.—

(1) *IN GENERAL.—At least annually, each State shall provide training in administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures) to school food authority administrative personnel and other appropriate personnel, with emphasis on*

the requirements established by the Child Nutrition Improvement and Integrity Act and the amendments made by that Act.

(2) FEDERAL ROLE.—The Secretary shall—

(A) provide training and technical assistance (including training materials and information developed under subsections (e) and (f) of section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1)) to a State to assist the State in carrying out paragraph (1); or

(B) at the option of the Secretary, directly provide training and technical assistance described in paragraph (1).

(3) THIRD-PARTY CONTRACTING.—In carrying out this subsection, the Secretary or a State may contract with a third party under procedures established by the Secretary.

(4) REQUIRED PARTICIPATION.—Under procedures established by the Secretary that consider the various needs and circumstances of school food authorities, each school food authority or local educational agency shall ensure that an individual conducting or overseeing administrative procedures described in paragraph (1) receives training at least annually, unless determined otherwise by the Secretary.

(h) FUNDING FOR TRAINING AND ADMINISTRATIVE REVIEWS.—

(1) FUNDING.—

(A) IN GENERAL.—On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection \$4,000,000, to remain available until expended.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall use funds provided under this subsection to assist States in carrying out subsection (g) and administrative reviews of selected school food authorities and local educational agencies under section 22(b)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(b)(3)).

(B) EXCEPTION.—The Secretary may retain a portion of the amount provided to cover costs of activities carried out by the Secretary in lieu of the State.

(3) ALLOCATION.—The Secretary shall allocate funds provided in this subsection to States based on the number of local educational agencies that have demonstrated a high level of or a high risk for administrative error, as determined by the Secretary, taking into account the requirements established by the Child Nutrition Improvement and Integrity Act and the amendments made by that Act.

(4) REALLOCATION.—The Secretary may reallocate, to carry out this section, any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.

[(g)] (i) For the fiscal year beginning October 1, 1977, and each succeeding fiscal year ending before October 1, [2003] 2008, there are hereby authorized to be appropriated such sums as may be necessary for the purposes of this section.

* * * * *

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS,
AND CHILDREN

SEC. 17. (a) * * *

(b) As used in this section—

(1) * * *

* * * * *

(7) “Nutrition education” means individual or group sessions and the provision of materials designed to improve health status that achieve positive change in dietary habits *and physical activity*, and emphasize relationships between [nutrition and health] *nutrition, health, and child development*, all in keeping with the individual’s personal, cultural, and socioeconomic preferences.

* * * * *

(14) “Supplemental foods” means those foods containing nutrients determined by nutritional research to be lacking in the diets of pregnant, breastfeeding, and postpartum women, infants, and children *and foods that promote health as indicated in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341)*, as prescribed by the Secretary. State agencies may, with the approval of the Secretary, substitute different foods providing the nutritional equivalent of foods prescribed by the Secretary, to allow for different cultural eating patterns.

* * * * *

(22) “*State alliance*” means 2 or more State agencies that join together for the purpose of procuring infant formula by soliciting competitive bids.

* * * * *

(d)(1) * * *

* * * * *

(3)(A) Persons shall be certified for participation in accordance with general procedures prescribed by the Secretary. *A State may certify breast-feeding women for up to 1 year, or until women stop breast-feeding, whichever is earlier.*

* * * * *

(C) PHYSICAL PRESENCE.—

(i) * * *

(ii) WAIVERS.—If the agency determines that the requirement of clause (i) would present an unreasonable barrier to participation, a local agency may waive the requirement of clause (i) with respect to—

(I) an infant or child who—

(aa) was present at the initial certification visit; and

(bb) is receiving ongoing health care **from a provider other than the local agency; or**;

(II) an infant or child who—

(aa) * * *

* * * * *

(cc) has one or more parents who work**[.]**; and

(III) an infant under 8 weeks of age—

(aa) who cannot be present at certification for a reason determined appropriate by the local agency; and

(bb) for whom all necessary certification information is provided.

* * * * *

(f)(1)(A) * * *

* * * * *

(C) The plan shall include—

(i) * * *

* * * * *

(ix) procedures whereby a State agency may accept and process vendor applications outside of the established time-frames, such as in situations in which a previously authorized vendor changes ownership under circumstances that do not permit timely notification to the State agency of such change in ownership;

[(ix)] (x) a plan to provide nutrition education and promote breastfeeding; and

[(x)] (xi) such other information as the Secretary may reasonably require.

* * * * *

[(11)] The Secretary shall prescribe by regulation the supplemental foods to be made available in the program under this section. To the degree possible, the Secretary shall assure that the fat, sugar, and salt content of the prescribed foods is appropriate.**]**

(11)(A) The Secretary shall prescribe by regulations the supplemental foods to be made available in the program under this section. To the degree possible the Secretary shall assure that the fat, sugar, and salt content of the prescribed foods is appropriate.

(B) Beginning in 2013 and every 10 years thereafter, or more frequently if determined by the Secretary to be necessary to reflect current scientific knowledge, the Secretary shall conduct a scientific review of the supplemental foods available in the program and recommend, as necessary, changes to reflect nutrition science, current public health concerns, and cultural eating patterns.

* * * * *

(19) The State agency shall adopt policies that—

(A) require each local agency to attempt to contact each pregnant woman who misses an appointment to apply for par-

ticipation in the program under this section, in order to reschedule the appointment, unless the phone number and the address of the woman are unavailable to such local agency; **[and]**

(B) in the case of local agencies that do not routinely schedule appointments for individuals seeking to apply or be recertified for participation in the program under this section, require each such local agency to schedule appointments for each employed individual seeking to apply or be recertified for participation in such program so as to minimize the time each such individual is absent from the workplace due to such application or request for recertification**[.]**; and

(C) *require local agencies to permit an applicant or participant to reschedule an appointment to apply or be recertified for the program.*

* * * * *

(25) *NOTIFICATION OF VIOLATIONS.—If a State agency finds that a vendor has committed a violation that requires a pattern of occurrences in order to impose a sanction, the State agency shall notify the vendor of the initial violation in writing prior to documentation of another violation, unless the State agency determines that notifying the vendor would compromise its investigation.*

(26) *INFANT FORMULA BENEFITS.—*

(A) *IN GENERAL.—The State agency may round up to the next whole can of infant formula to ensure that all infants receive the full-authorized nutritional benefit specified by regulation.*

(B) *LIMITATION.—Subparagraph (A) applies only to infant formula contracts awarded under bid solicitations made on or after October 1, 2004.*

[(g)(1) There are authorized to be appropriated to carry out this section \$2,158,000,000 for the fiscal year 1990, and such sums as may be necessary for each of the fiscal years 1995 through 2003.]

(g) *AUTHORIZATION OF APPROPRIATIONS.—*

(1) *IN GENERAL.—There is authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2008. As authorized by section 3 of the Richard B. Russell National School Lunch Act, appropriations to carry out the provisions of this section may be made not more than 1 year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States, and shall remain available for the purposes for which appropriated until expended.*

* * * * *

(h)(1) * * *

(2)(A) For each of the fiscal years **[1995 through 2003]** *2004 through 2008*, the Secretary shall allocate to each State agency from the amount described in paragraph (1)(A) an amount for costs of nutrition services and administration on the basis of a formula prescribed by the Secretary. Such formula—

- (i) * * *
- * * * * *
- (4) The Secretary shall—
- (A) * * *
- * * * * *
- (D) require the State agency to provide training on the promotion and management of breastfeeding to staff members of local agencies who are responsible for counseling participants in the program under this section concerning breastfeeding; ~~and~~
- (E) not later than 1 year after the date of enactment of this subparagraph, develop uniform requirements for the collection of data regarding the incidence and duration of breastfeeding among participants in the program~~].~~ *and*
- (F) *partner with communities, State and local agencies, employers, health care professionals, and the private sector to build a supportive breastfeeding environment for women participating in the program under this section to support the breastfeeding goals of the Healthy People 2010 initiative.*
- * * * * *
- (8)(A)(i) * * *
- * * * * *
- (iv) *REBATE INVOICES.—Each State agency shall have a system to ensure that infant formula rebate invoices, under competitive bidding, provide a reasonable estimate or an actual count of the number of units sold to participants in the program under this section.*
- (v) *CENT-FOR-CENT ADJUSTMENTS.—A bid solicitation for infant formula under the program made on or after October 1, 2004 shall require the manufacturer to adjust for price changes subsequent to the opening of the bidding process in a manner that requires—*
- (I) *a cent-for-cent increase in the rebate amounts if there is an increase in the lowest national wholesale price for a full truckload of the particular infant formula; or*
- (II) *a cent-for-cent decrease in the rebate amounts if there is a decrease in the lowest national wholesale price for a full truckload of the particular infant formula.*
- (vi) *SIZE OF STATE ALLIANCES.—No State alliance may form among States whose infant participation exceeds 200,000 based on program participation as of October 2003, except that—*
- (I) *an alliance among States with a combined 200,000 infant participants as of October 2003 may continue, and may expand to include more than 200,000 infants, but may not expand to include any additional State agencies that were not included in the alliance as of October 1, 2003, other than as provided in subclause (II); and*

(II) any State agency serving fewer than 5,000 infant participants as of October 2003, or any Indian Tribal Organization, may request to join any State alliance.

* * * * *

(10)(A) For each of fiscal years **1995 through 2003** *2004 through 2008*, the Secretary shall use for the purposes specified in subparagraph (B), \$10,000,000 or the amount of nutrition services and administration funds and supplemental foods funds for the prior fiscal year that has not been obligated, whichever is less.

(B) Funds under subparagraph (A) shall be used for—

- (i) * * *
- (ii) special State projects of regional or national significance to improve the services of the program under this section, *which may include demonstration projects in up to 10 local sites, determined to be geographically and culturally representative of local States and Indian agencies, to evaluate the inclusion of fresh, frozen, or canned fruits and vegetables (to be made available through private funds) as an addition to the supplemental food provided under this section; and*

(11) CONSIDERATION OF PRICE LEVELS OF RETAIL STORES FOR PARTICIPATION IN PROGRAM.—

(A) * * *

* * * * *

(C) *ADDITIONAL REQUIREMENTS.—*

(i) The State agency shall evaluate a vendor applicant based on its shelf prices or on the prices it bids for supplemental foods, which may not exceed its shelf prices.

(ii) The State agency shall establish price limitations on the amount that it will pay vendors for supplemental foods. The State agency shall ensure that price limitations do not result in inadequate participant access by geographic area.

(iii) In establishing competitive price and price limitation requirements, the State agency may exclude pharmacy vendors that supply only exempt infant formula or medical foods that are eligible under the program.

(iv) The State agency shall establish competitive price requirements and price limitations for vendor peer groups, as necessary to ensure that prices paid to vendors are competitive. Vendor peer group competitive price requirements and price limitations may reflect reasonable estimates of varying costs of acquisition of supplemental foods.

(D) *INCENTIVE ITEMS.—The State agency shall not authorize a retail food store that provides incentive items or other free merchandise to program participants if funds available under this program were used to purchase such items or merchandise.*

(E) *RULES OF CONSTRUCTION.—Nothing in this section may be construed to authorize violation of the Sherman*

Antitrust Act (15 U.S.C. 1 et seq.) or the Robinson-Patman Act (15 U.S.C. 13 et seq.).

(12) MANAGEMENT INFORMATION SYSTEM PLAN.—

(A) * * *

[(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on actions taken to carry out subparagraph (A).]

[(C) INTERIM PERIOD.—Prior to the date of submission of the report of the Secretary required under subparagraph (B), a State agency may not require retail stores to pay the cost of systems or equipment that may be required to test electronic benefit transfer systems.]

(B) ELECTRONIC BENEFIT TRANSFER SYSTEMS.—

(i) *IN GENERAL.*—All States that receive Federal funds for design or implementation of electronic benefit transfer (EBT) systems for the program under this section shall use technical specifications or standards, as applicable, as determined by the Secretary, except as provided in clause (ii).

(ii) *EXISTING SYSTEMS.*—EBT systems for the program under this section that are in development or are issuing benefits as of the date of enactment shall be required to submit within 6 months after the date of enactment of this subparagraph a plan for compliance.

(iii) *WAIVER.*—The Secretary may waive compliance with this subparagraph for State EBT systems for the program under this section that are issuing benefits as of the date of enactment of this subparagraph until such time that compliance is feasible.

(C) *UNIVERSAL PRODUCT CODES DATABASE.*—The Secretary shall implement a national Universal Product Code Database for use by all State agencies in carrying out the program and shall make available from appropriated funds such sums as may be required for hosting, hardware, and software configuration, and support.

(13) APPROVED PROVIDERS OF INFANT FORMULA.—

(A) *IN GENERAL.*—The State agency shall maintain a list of infant formula manufacturers, wholesalers, distributors, and retailers approved to provide infant formula to vendors.

(B) *LIST.*—The list required under subparagraph (A) shall include food manufacturers, wholesalers, distributors, and retailers licensed in the State in accordance with State law and regulations to distribute infant formula and food manufacturers registered with the U.S. Food and Drug Administration that provide infant formula.

(C) *PURCHASE REQUIREMENT.*—Vendors authorized to participate in the program under this section shall purchase infant formula from the list required under subparagraph (A).

* * * * *

(i)(1) * * *

* * * * *

(3)(A) Notwithstanding paragraph (2) and subject to subparagraph (B)—

(i) * * *

(ii)(I) for each fiscal year, of the amounts allocated to a State agency for nutrition services and administration, an amount equal to not more than **[1]** 3 percent of the amount allocated to the State agency under this section for the fiscal year may be expended by the State agency for allowable expenses incurred under this section for nutrition services and administration during the subsequent fiscal year; and

* * * * *

(j)(1) * * *

* * * * *

[(4)(A) Not later than April 1, 1995, the Secretaries shall provide to Congress a notification concerning the actions the Secretaries intend to take to carry out the initiative.

[(B) Not later than July 1, 1996, the Secretaries shall provide to Congress a notification concerning the actions the Secretaries are taking under the initiative or actions the Secretaries intend to take under the initiative as a result of their experience in implementing the initiative.

[(C) On completion of the initiative, the Secretaries shall provide to Congress a notification concerning an evaluation of the initiative by the Secretaries and a plan of the Secretaries to further the goals of the initiative.]

[(5)] (4) As used in this subsection:

(A) The term “community health center” has the meaning given the term in section 330(a) of the Public Health Service Act (42 U.S.C. 254c(a)).

* * * * *

(m)(1) * * *

* * * * *

(9) FUNDING.—

(A) IN GENERAL.—

[(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$8,000,000 for fiscal year 1994, \$10,500,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 2003.]

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2008.

* * * * *

[(r) DEMONSTRATION PROJECT RELATING TO USE OF THE WIC PROGRAM FOR IDENTIFICATION AND ENROLLMENT OF CHILDREN IN CERTAIN HEALTH PROGRAMS.—

[(1) IN GENERAL.—In accordance with paragraph (2), the Secretary shall establish a demonstration project in not more

than 20 local agencies in one State under which costs of nutrition services and administration (as defined in subsection (b)(4)) shall include the costs of identification of children eligible for benefits under, and the provision of enrollment assistance for children in—

 【(A) the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

 【(B) the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.).

 【(2) STATE-RELATED REQUIREMENTS.—The State in which a demonstration project is established under paragraph (1)—

 【(A) shall operate not fewer than 20 pilot site locations;

 【(B) as of the date of establishment of the demonstration project—

 【(i) with respect to the programs referred to in subparagraphs (A) and (B) of paragraph (1)—

 【(I) shall have in use a simplified application form with a length of not more than two pages;

 【(II) shall accept mail-in applications; and

 【(III) shall permit enrollment in the program in a variety of locations; and

 【(ii) shall have served as an original pilot site for the program under this section; and

 【(C) as of December 31, 1998, shall have had—

 【(i) an infant mortality rate that is above the national average; and

 【(ii) an overall rate of age-appropriate immunizations against vaccine-preventable diseases that is below 80 percent.

 【(3) TERMINATION OF AUTHORITY.—The authority provided by this subsection terminates September 30, 2003.】

* * * * *

NUTRITION EDUCATION AND TRAINING

SEC. 19. (a) * * *

【PURPOSE

 【(b) It is the purpose of this section to establish a system of grants to State educational agencies for the development of comprehensive nutrition education and training programs. Such nutrition education programs shall fully use as a learning laboratory the school lunch and child nutrition programs.

【DEFINITIONS

 【(c) For purposes of this section, the term “nutrition education and training program” means a multidisciplinary program by which scientifically valid information about foods and nutrients is imparted in a manner that individuals receiving such information will understand the principles of nutrition and seek to maximize their well-being through food consumption practices. Nutrition education programs shall include, but not be limited to, (A) instructing students with regard to the nutritional value of foods and the rela-

tionship between food and human health; (B) training child nutrition program personnel in the principles and practices of food service management; (C) instructing teachers in sound principles of nutrition education; (D) developing and using classroom materials and curricula; and (E) providing information to parents and caregivers regarding the nutritional value of food and the relationship between food and health.

【NUTRITION INFORMATION AND TRAINING

【(d)(1) The Secretary is authorized to formulate and carry out a nutrition education and training through a system of grants to State educational agencies, to provide for (A) the nutritional training of educational and food service personnel, (B) training school food service personnel in the principles and practices of food service management, in cooperation with materials developed at any food service management institute established as authorized by section 21(a)(2) of the Richard B. Russell National School Lunch Act, and (C) the conduct of nutrition education activities in schools, child care institutions, and institutions offering summer food service programs under section 13 of the Richard B. Russell National School Lunch Act, and the provision of nutrition education to parents and caregivers.

【(2) The program is to be coordinated at the State level with other nutrition activities conducted by education, health, and State Cooperative Extension Service agencies. In formulating the program, the Secretary and the State may solicit the advice and recommendations of State educational agencies, the Department of Health and Human Services, and other interested groups and individuals concerned with improvement of child nutrition.

【(3) If a State educational agency is conducting or applying to conduct a health education program which includes a school-related nutrition education component as defined by the Secretary, and that health education program is eligible for funds under programs administered by the Department of Health and Human Services, the Secretary may make funds authorized in this section available to the Department of Health and Human Services to fund the nutrition education component of the State program without requiring an additional grant application.

【(4) The Secretary, in carrying out the provisions of this subsection, shall make grants to State educational agencies who, in turn, may contract with land-grant colleges eligible to receive funds under the Act of July 2, 1862, or the Act of August 30, 1890, including the Tuskegee Institute, other institutions of higher education, and nonprofit organizations and agencies, for the training of educational, school food service, child care, and summer food service personnel with respect to providing nutrition education programs in schools and the training of school food service personnel in school food service management, in coordination with the activities authorized under section 21 of the Richard B. Russell National School Lunch Act. Such grants may be used to develop and conduct training programs for early childhood, elementary, and secondary educational personnel and food service personnel with respect to the relationship between food, nutrition, and health; educational methods and techniques, and issues relating to nutrition education;

and principles and skills of food service management for cafeteria personnel.

[(5) The State, in carrying out the provisions of this subsection, may contract with State and local educational agencies, land-grant colleges eligible to receive funds under the Act of July 2, 1862, or the Act of August 30, 1890, including the Tuskegee Institute, other institutions of higher education, and other public or private nonprofit educational or research agencies, institutions, or organizations to pay the cost of pilot demonstration projects in elementary and secondary schools, and in child care institutions and summer food service institutions, with respect to nutrition education. Such projects may include, but are not limited to, projects for the development, demonstration, testing, and evaluation of curricula for use in early childhood, elementary, and secondary education programs.

[AGREEMENTS WITH STATE AGENCIES

[(e) The Secretary is authorized to enter into agreements with State educational agencies incorporating the provisions of this section, and issue such regulations as are necessary to implement this section.

[USE OF FUNDS

[(f)(1) The funds made available under this section may, under guidelines established by the Secretary, be used by State educational agencies for—

[(A) employing a nutrition education specialist to coordinate the program, including travel and related personnel costs;

[(B) undertaking an assessment of the nutrition education needs of the State;

[(C) developing a State plan of operation and management for nutrition education;

[(D) applying for and carrying out planning and assessment grants;

[(E) pilot projects and related purposes;

[(F) the planning, development, and conduct of nutrition education programs and workshops for food service and educational personnel;

[(G) coordinating and promoting nutrition education and training activities in local school districts (incorporating, to the maximum extent practicable, as a learning laboratory, the child nutrition programs);

[(H) contracting with public and private nonprofit educational institutions for the conduct of nutrition education instruction and programs relating to the purposes of this section;

[(I) related nutrition education purposes, including the preparation, testing, distribution, and evaluation of visual aids and other informational and educational materials; and

[(J) other appropriate related activities, as determined by the State.

[(2) A State agency may use an amount equal to not more than 15 percent of the funds made available through a grant under this section for expenditures for administrative purposes in connection with the program authorized under this section if the State

makes available at least an equal amount for administrative or program purposes in connection with the program.

【ACCOUNTS, RECORDS, AND REPORTS

【(g)(1) State educational agencies participating in programs under this section shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this section and the regulations issued hereunder. Such accounts and records shall be available at any reasonable time for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines to be necessary.

【(2) State educational agencies shall provide reports on expenditures of Federal funds, program participation, program costs, and related matters, in such form and at such times as the Secretary may prescribe.

【STATE COORDINATORS FOR NUTRITION; STATE PLAN

【(h)(1) In order to be eligible for assistance under this section, a State shall appoint a nutrition education specialist to serve as a State coordinator for school nutrition education. It shall be the responsibility of the State coordinator to make an assessment of the nutrition education needs in the State, prepare a State plan, and coordinate programs under this Act with all other nutrition education programs provided by the State with Federal or State funds.

【(2) Upon receipt of funds authorized by this section, the State coordinator shall prepare an itemized budget and assess the nutrition education and training needs of the State.】

(b) *PURPOSE.*—*It is the purpose of this section to support effective nutrition education through assistance to State agencies, schools, and nonprofit entities for Team Nutrition and other nutrition education projects that improve student understanding of healthful eating patterns, including an awareness and understanding of the Dietary Guidelines for Americans, the quality of school meals and access to local foods in schools and institutions operating programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and section 4 of this Act.*

(c) *TEAM NUTRITION NETWORK.*—

(1) *PURPOSE.*—*The purpose of the Team Nutrition Network is to—*

(A) *promote the nutritional health of the Nation's school children through nutrition education, physical activity and other activities that support healthy lifestyles for children based on the Dietary Guidelines for Americans, issued jointly by the Secretary of Agriculture and the Secretary of Health and Human Services, and the physical fitness guidelines issued by the Secretary of Health and Human Services;*

(B) *provide assistance to States for the development of State-wide, comprehensive, and integrated nutrition education and physical fitness programs; and*

(C) *provide training and technical assistance to States, school and community nutrition programs, and child nutrition food service professionals.*

(2) *STATE COORDINATOR.*—*The State Team Nutrition Network Coordinator shall—*

(A) *administer and coordinate a comprehensive integrated statewide nutrition education program; and*

(B) *coordinate efforts with the Food and Nutrition Service and State agencies responsible for children's health programs.*

(3) *TEAM NUTRITION NETWORK.*—*Subject to the availability or appropriations to carry out this subsection, the Secretary, in consultation with the Secretary of Education, shall, on a competitive basis, provide assistance to States for the purpose of creating model nutrition education and physical activity programs, consistent with current dietary and fitness guidelines, for students in elementary schools and secondary schools.*

(4) *REQUIREMENTS FOR STATE PARTICIPATION.*—*To be eligible to receive assistance under this subsection, a State Coordinator shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—*

(A) *a description of how the proposed nutrition and physical activity program will promote healthy eating and physical activity and fitness and address the health and social consequences of children who are at risk of becoming overweight or obese;*

(B) *information describing how nutrition activities are to be coordinated at the State level with other health activities conducted by education, health and agriculture agencies;*

(C) *information describing how initiatives to promote physical activity are to be coordinated at the State level with other initiatives to promote physical activity conducted by education, health, and parks and recreation agencies;*

(D) *a description of the consultative process that the State Coordinator employed in the development of the model nutrition and physical activity programs, including consultations with individuals and organizations with expertise in promoting public health, nutrition, or physical activity, and organizations representing the agriculture, food and beverage, fitness, and sports and recreation industries;*

(E) *a description of how the State Coordinator will evaluate the effectiveness of its program; and*

(F) *a description of how any and all communications to parents and guardians of all students who are members of a household receiving or applying for assistance under the program shall be in an understandable and uniform format, and, to the extent practicable, in a language that parents can understand.*

(5) *DURATION.*—*Subject to the availability of funds made available to carry out this subsection, a State Coordinator shall conduct the project for a period of 3 successive school years.*

(6) *AUTHORIZED ACTIVITIES.*—*An eligible applicant that receives assistance under this subsection may use funds to carry out one or more of the following activities—*

(A) *collecting, analyzing, and disseminating data regarding the extent to which children and youth in the State are overweight or physically inactive and the programs and services available to meet those needs;*

(B) *developing and implementing model elementary and secondary education curricula to create a comprehensive, coordinated nutrition and physical fitness awareness and obesity prevention program;*

(C) *developing and implementing pilot programs in schools to increase physical activity and to enhance the nutritional status of students, including through the increased consumption of fruits and vegetables, whole grains, and lowfat dairy products;*

(D) *developing and implementing State guidelines in health, which include nutrition education, and physical education and emphasize regular physical activity during school hours;*

(E) *collaborating with community based organizations, volunteer organizations, State medical associations, and public health groups to develop and implement nutrition and physical education programs targeting lower income children, ethnic minorities, and youth at a greater risk for obesity;*

(F) *collaborating with public or private organizations that have as a mission the raising of public awareness of the importance of a balanced diet and an active lifestyle; and*

(G) *providing training and technical assistance to teachers and school food service professionals consistent with the purpose of this section.*

(7) *LIMITATION.—Materials prepared under this subsection regarding agricultural commodities, food, or beverages must be factual and without bias.*

(8) *REPORT.—Within 18 months of completion of the projects and the evaluations, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Agriculture, Nutrition and Forestry of the Senate a report describing the results of the evaluation of the demonstration programs and shall make such reports available to the public, including through the Internet.*

(9) *INDEPENDENT EVALUATION.—*

(A) *IN GENERAL.—The Secretary shall enter into an agreement with an independent, non-partisan science-based research organization to conduct a comprehensive independent evaluation of the effectiveness of the Team Nutrition initiative and the Team Nutrition Network authorized by this subsection and to identify best practices in—*

(i) improving student understanding of healthful eating patterns;

(ii) engaging students in regular physical activity and improving physical fitness;

(iii) reducing diabetes and obesity rates in school children;

(iv) improving student nutrition behaviors on the school campus including healthier meal choices evidenced by greater inclusion of fruits, vegetables, whole grains, and lean dairy and protein in meal and snack selections;

(v) providing training and technical assistance for food service professionals resulting in the availability of healthy meals that appeal to ethnic and cultural taste preferences;

(vi) linking meals programs to nutrition education activities; and

(vii) successfully involving school administrators, the private sector, public health agencies, non-profit organizations, and other community partners.

(B) *REPORT*.—Not later than October 1, 2007, the Secretary shall transmit the findings of the independent evaluation to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) *LOCAL NUTRITION AND PHYSICAL ACTIVITY PROJECT*.—

(1) *IN GENERAL*.—Subject to the availability of appropriations to carry out this subsection, the Secretary, in consultation with the Secretary of Education, shall provide assistance to not more than 100 local educational agencies, at least one per State, for the establishment of pilot projects for purposes of promoting healthy eating habits and increasing physical activity, consistent with the Dietary Guidelines for Americans issued jointly by the Secretary of Agriculture and the Secretary of Health and Human Services, among elementary and secondary education students.

(2) *REQUIREMENT FOR PARTICIPATION IN PILOT PROJECT*.—To be eligible to receive assistance under this subsection, a local educational agency shall, in consultation with individuals who possess education or experience appropriate for representing the general field of public health, including nutrition and fitness professionals, submit to the Secretary an application that shall include—

(A) a description of the local educational agency's need for nutrition and physical activity programs;

(B) a description of how the proposed project will improve health and nutrition through education and increased access to physical activity;

(C) a description of how funds under this subsection will be coordinated with other programs under this Act, the Richard B. Russell National School Lunch Act, or other Acts, as appropriate, to improve student health and nutrition;

(D) a statement of the local educational agency's measurable goals for nutrition and physical education programs and promotion;

(E) a description of how the proposed project will be aligned with the local wellness policy required under the Act;

(F) a description of the procedures the agency will use for assessing and publicly reporting progress toward meeting those goals; and

(G) a description of how communications to parents and guardians of participating students regarding the activities under this subsection shall be in an understandable and uniform format, and, to the extent practicable, in a language that parents can understand.

(3) DURATION.—Subject to the availability of funds made available to carry out this subsection, a local educational agency receiving assistance under this subsection shall conduct the project during a period of 3 successive school years.

(4) AUTHORIZED ACTIVITIES.—An eligible applicant that receives assistance under this subsection—

(A) shall use funds provided to—

(i) promote healthy eating through the development and implementation of nutrition education programs and curricula based on the Dietary Guidelines for Americans; and

(ii) increase opportunities for physical activity through after school programs, athletics, intramural activities, and recess; and

(B) may use funds provided to—

(i) educate parents and students about the relationship of a poor diet and inactivity to obesity and other health problems;

(ii) develop and implement physical education programs that promote fitness and lifelong activity;

(iii) provide training and technical assistance to food service professionals to develop nutritious, more appealing menus and recipes;

(iv) incorporate nutrition education into physical education, health education, and after school programs, including athletics;

(v) involve parents, nutrition professionals, food service staff, educators, community leaders, and other interested parties in assessing the food options in the school environment and developing and implementing an action plan to promote a balanced and healthy diet;

(vi) provide nutrient content or nutrition information on meals served through the school lunch or school breakfast programs and items sold a la carte during meal times;

(vii) encourage the increased consumption of a variety of healthy foods through new initiatives such as salad bars and fruit bars; and

(viii) provide nutrition education, including sports nutrition education, for teachers, coaches, food service staff, athletic trainers, and school nurses.

(5) *LIMITATION.*—*Materials prepared under this subsection regarding agricultural commodities, food, or beverages must be factual and without bias.*

(6) *REPORT.*—*Within 18 months of completion of the projects and evaluations, the Secretary shall transmit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition and Forestry of the Senate a report describing the results of the evaluation of the pilot projects and shall make such reports available to the public, including through the Internet.*

(e) *NUTRITION EDUCATION SUPPORT.*—

(1) *IN GENERAL.*—*In carrying out the purpose of this section to support nutrition education, the Secretary may provide for technical assistance and grants to improve the quality of school meals and access to local foods in schools and institutions.*

(2) *SCHOOL MEALS INITIATIVE.*—*The Secretary may provide assistance to enable State educational agencies to—*

(A) *implement the recommendations of the Secretary's School Meals Initiative for Healthy Children;*

(B) *increase the consumption of fruits, vegetables, low-fat dairy products, and whole grains;*

(C) *reduce saturated fat and sodium in school meals;*

(D) *improve school nutritional environments; and*

(E) *conduct other activities that aid schools in carrying out the Secretary's School Meals Initiative for Healthy Children.*

(3) *ACCESS TO LOCAL FOODS.*—*The Secretary may provide assistance, through competitive matching grants and technical assistance, to schools and nonprofit entities for projects that—*

(A) *improve access to local foods in schools and institutions participating in programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and Section 4 of this Act through farm-to-cafeteria activities that may include the acquisition of food and appropriate equipment and the provision of training and education;*

(B) *are, at a minimum, designed to procure local foods from small- and medium-sized farms for school meals;*

(C) *support nutrition education activities or curriculum planning that incorporates the participation of schoolchildren in farm and agriculture education activities;*

(D) *develop a sustained commitment to farm-to-cafeteria projects in the community by linking schools, agricultural producers, parents, and other community stakeholders;*

(E) *require \$100,000 or less in Federal contributions;*

(F) *require a Federal share of costs not to exceed 75 percent;*

(G) *provide matching support in the form of cash or in kind contributions (including facilities, equipment, or services provided by State and local governments and private sources); and*

(H) *cooperate in an evaluation to be carried out by the Secretary.*

[(i)] (f) AUTHORIZATION OF APPROPRIATIONS.—**[(1) IN GENERAL.—**

[(A) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1997 through 2003.

[(B) GRANTS.—

[(i) IN GENERAL.—Grants to each State from the amounts made available under subparagraph (A) shall be based on a rate of 50 cents for each child enrolled in schools or institutions within the State, except that no State shall receive an amount less than \$75,000 per fiscal year.

[(ii) INSUFFICIENT FUNDS.—If the amount made available for any fiscal year is insufficient to pay the amount to which each State is entitled under clause (i), the amount of each grant shall be ratably reduced.]

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for carrying out this section for fiscal years 2004 through 2008.

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SECTION 15 OF THE COMMODITY DISTRIBUTION REFORM ACT AND WIC AMENDMENTS OF 1987

SEC. 15. PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COM- MODITIES THAT POSE A HEALTH OR SAFETY RISK.

(a) * * *

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(e) **TERMINATION DATE.—**The authority provided by this section terminates effective **[April 1, 2004]** *October 1, 2008*.